

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

OREXO AB,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC. and
MYLAN INC.,

Defendants.

Civil Action No. 3:11-cv-3788-FLW-LHG

Hon. Freda L. Wolfson, U.S.D.J.
Hon. Lois H. Goodman, U.S.M.J.

Document Filed Electronically

DECLARATION OF CONSTANTINE KOUTSOUBAS

Arnold B. Calmann (abc@saiber.com)
Jeffrey Soos (js@saiber.com)
Katherine A. Escanlar (kae@saiber.com)
SAIBER LLC
One Gateway Center, 10th Floor
Newark, New Jersey 07102-5311
973-622-3333
973-286-2465 (facsimile)

Douglass C. Hochstetler
(DHochstetler@KelleyDrye.com)
Constantine Koutsoubas
(CKoutsoubas@KelleyDrye.com)
KELLEY DRYE & WARREN LLP
333 West Wacker Drive
26th Floor
Chicago, IL 60606
312-857-7070
312-857-7095 (facsimile)

Beth D. Jacob (BJacob@KelleyDrye.com)
Clifford Katz (CKatz@KelleyDrye.com)
Sung W. Kim (SuKim@KelleyDrye.com)
KELLEY DRYE & WARREN LLP
101 Park Avenue
Suite 1700
New York, NY 10178
212-808-7800
212-808-7897 (facsimile)

*Attorneys for Defendants/Counterclaim
Plaintiffs Mylan Pharmaceuticals Inc. and
Mylan Inc.*

DECLARATION OF CONSTANTINE KOUTSOUBAS

I, Constantine Koutsoubas, hereby declare as follows:

1. I am an associate in the law firm Kelley Drye & Warren LLP, counsel for Defendants/Counterclaim Plaintiffs Mylan Pharmaceuticals Inc. and Mylan Inc. (collectively “Mylan”).
2. I am a member in good standing of the Bar of the State of Illinois (2007), as well as the following courts: United States Court of Appeals for the Federal Circuit (2010) and United States District Court for the Northern District of Illinois (2007).
3. I submit this Declaration based upon my personal knowledge, information, and belief.
4. On April 23, 2013, Plaintiff Orexo AB electronically filed under seal Orexo AB’s Memorandum of Law in Support of Plaintiff Memorandum of Law in Support of Plaintiff Orexo AB’s Motion for the Issuance of a Letter of Request to the Central Authority of India for Testimony from Subash Chandra Mohanta and P. Murali Krishna (ECF No. 123) (“Orexo’s Brief”) along with Exhibits A, C, D, E, and F.
5. On April 25, 2013, Orexo filed a Motion to Seal (ECF No. 124) Orexo’s Brief as well as Exhibits A, C, D, E, and F.
6. I submit this Declaration on behalf of Defendants/Counterclaim-Plaintiffs Mylan Laboratories Limited and Mylan Inc. (collectively, “Mylan”) in further support of Orexo’s Motion to Seal (ECF No. 124) the following documents (collectively referred to herein as the “Confidential Documents”):
 - Orexo AB’s Memorandum of Law in Support of Plaintiff Memorandum of Law in Support of Plaintiff Orexo AB’s Motion for the Issuance of a Letter of Request to the Central Authority of India for Testimony from Subash Chandra Mohanta and P. Murali Krishna (ECF No. 123) (“Orexo’s Brief”) at page 4, line 11 to page 5, line 2 between the words “Misters Mohanta and Krishna” and “Mylan’s ANDA Products”;
 - Orexo’s Brief at page 6, lines 6–17 between the words “Mr. Mohanta” and “Mylan’s ANDA Products”;

- Orexo's Brief at page 10, lines 4–7 between the words "Specifically" and "discoverable evidence";
- Orexo's Brief at page 11, lines 7–14 between the words "The two" and "observed and evaluated;" and
- Exhibits A, C, E, F.

7. Mylan designated the information that Orexo seeks to seal in Orexo's Brief and Exhibits A, E, and F identified in Paragraph 6 above as confidential and proprietary under the Discovery Confidentiality Order, entered by the Court on March 26, 2012 (ECF No. 47) that presently governs the instant action. Exhibits A and C also contain personal information of non-party witnesses Subash Chandra Mohanta and P. Murali Krishna that are subject to this Court's requirements in Local Civil Rule 5.2 ¶ 17 (ECF Policy No. 17).

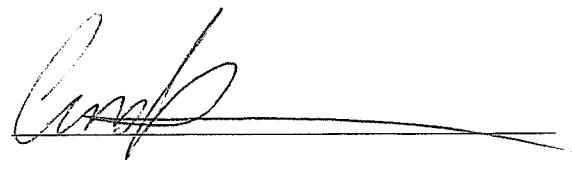
8. This information relates to confidential and proprietary information concerning Mylan's ANDA and confidential manufacturing, formulation, and research and development information. This proprietary information is presently confidential and not available to the public. The information also relates to sensitive personal information subject to this Court's requirements in Local Civil Rule 5.2 ¶ 17 (ECF Policy No. 17).

9. Mylan asserts that if such information were to become available to the public, competitors may potentially use such information to Mylan's detriment and to the detriment of its former employees.

10. Accordingly, it is respectfully requested that the Court grant Orexo's Motion to Seal the Confidential Documents for the reasons set forth herein.

I, CONSTANTINE KOUTSOUVAS, hereby declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the United States of America, that the foregoing Declaration is true and correct.

Dated: May 9, 2013



A handwritten signature in black ink, appearing to read "Constantine Koutsoubas". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the main stroke.

Constantine Koutsoubas